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APPLICATION NO.	FILING D.	ATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
. 10/696,294	10/29/20	003	Akira Yoneyama	8861-382U1	5126	
570	7590 0	04/07/2006		EXAM	EXAMINER	
	1P STRAUSS HAUER & FELD L.L.P. LEE, Y YOUNG				YOUNG	
	MERCE SQUAR KET STREET, SI			ART UNIT	PAPER NUMBER	
	PHIA, PA 191			2621		
				DATE MAILED: 04/07/200	6	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)			
Office Action Comment	10/696,294	YONEYAMA, AKIRA			
Office Action Summary	Examiner	Art Unit			
	Y. Lee	2621			
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet wit	h the correspondence address			
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNIC 36(a). In no event, however, may a re vill apply and will expire SIX (6) MONT cause the application to become ABA	ATION. ply be timely filed HS from the mailing date of this communical ANDONED (35 U.S.C. § 133).			
Status					
1) Responsive to communication(s) filed on					
	-· action is non-final.				
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merit					
closed in accordance with the practice under E	·	=			
Disposition of Claims					
4)⊠ Claim(s) <u>1-4</u> is/are pending in the application.					
4a) Of the above claim(s) is/are withdraw	vn from consideration.	•			
5) Claim(s) is/are allowed.					
6) Claim(s) is/are rejected.					
7) Claim(s) is/are objected to.					
8) Claim(s) 1-4 are subject to restriction and/or ele	ection requirement.				
Application Papers					
9) The specification is objected to by the Examiner	•				
10) The drawing(s) filed on 29 October 2003 is/are:		iected to by the Examiner			
Applicant may not request that any objection to the	• • •	•			
Replacement drawing sheet(s) including the correcti			21(d).		
11) The oath or declaration is objected to by the Ex					
Priority under 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign	priority under 35 U.S.C. §	119(a)-(d) or (f).			
a)⊠ All b)□ Some * c)□ None of:					
1. Certified copies of the priority documents					
2. Certified copies of the priority documents					
3. Copies of the certified copies of the prior		eceived in this National Stage			
application from the International Bureau					
* See the attached detailed Office action for a list of	or the certified copies not r	eceivea.			
Attachment(c)		·			
Attachment(s) 1) Notice of References Cited (PTO-892)	A) 🗖 latonicus Si	ımmary (PTO-413)			
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)	/Mail Date			
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	5) Notice of In:	formal Patent Application (PTO-152)			

Art Unit: 2621

DETAILED ACTION

Election/Restrictions

- 1. This application contains claims directed to the following patentably distinct species of the claimed invention: Claims 1-4 show 2 embodiments as illustrated in Figures 1 and 2:
 - (1) species 1, Figure 1; and
 - (2) species 2, Figure 2.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a reply to this requirement must include an identification of the species with the appropriate Figure(s) of the drawings that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. A telephone call was made to Mr. L. Sickles on 4/3/06 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Art Unit: 2621

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y. Lee whose telephone number is (571) 272-7334.

The examiner can normally be reached on (571) 272-7334.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Y. Lee Primary Examiner

Art Unit 2621